

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GO SMILE, INC., a Delaware Corporation,

Plaintiff,

-against-

DR. JONATHAN B. LEVINE, D.M.D. P.C., a
New York corporation, and DR. JONATHAN B.
LEVINE, an individual, GLO SCIENCE, LLC, a
Delaware Limited Liability Company, and JBL
RADICAL INNOVATIONS, LLC,

Defendants.

Index No. 10 CV 8663 (PKC)(DCF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, dated October 19, 2011, which memorandum is also submitted in partial opposition to Plaintiff's motion to dismiss pursuant to Rule 41(a)(2), and the accompanying declaration of Kyle C. Bisceglie, Esq., dated October 19, 2011, Defendants Dr. Jonathan B. Levine D.M.D. P.C., Dr. Jonathan B. Levine, GLO Science, LLC and JBL Radical Innovations, LLC (collectively "Defendants") will move this Court before the Honorable P. Kevin Castel, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York 10007 on a date and time to be set by the Court for an Order:

a) Pursuant to 15 U.S.C. § 1117(a), awarding Defendants their attorneys' fees and costs in an amount to be determined by the Court upon the submission of documentation of such fees and costs, and

b) Granting such other and further and other relief as the Court deems just and proper.

Dated: New York, New York
October 19, 2011

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ROSENZWEIG & WOLOSKY LLP

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